

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)	
)	NO. 4:10-CR-00104-RP-CFB
Plaintiff,)	
)	
vs.)	
)	
EFRAIN GARCIA RODRIGUEZ,)	
)	
Defendant.)	

**REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY
(NO PLEA AGREEMENT)**

The United States of America and the defendant, having both filed a written consent to conduct of the plea proceedings by a magistrate judge, appeared before me pursuant to Fed. R. Crim. P. 11 and LCrR 11. The defendant entered a plea of guilty to the single count of an Indictment charging him with being a previously deported alien who is found in the United States without such alien previously making application for reentry to and obtaining the express consent of an appropriate official of the United States, in violation of 8 U.S.C. § 1326(a). After advising and questioning the defendant under oath concerning each of the subjects addressed in Rule 11(b)(1), I determined that the guilty plea was in its entirety voluntarily, knowingly and intelligently made and did not result from force, threats, or promises. I further determined that there is a factual basis for the guilty plea on each of the

essential elements of the offense in question. There is no plea agreement.

I recommend that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly. A presentence report has been ordered and a sentencing status conference scheduled.



UNITED STATES MAGISTRATE JUDGE

9.24.10

DATE

NOTICE

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B). The Report and Recommendation was served this date by delivery of a copy thereof to counsel for the government and defendant in open court.